

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JULY 18, 2006

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Lisa Goldner of Bose McKinney and Evans and Jeff McKean were present as observers.

#### DISPOSITION OF MINUTES

No Disposition of Minutes

#### HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Commissioner Guthrie moved to approve the parties agreed disposition forms that were submitted for the July 18, 2006 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for

approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Two hundred ninety (290) renewals approved, twenty-seven (27) new and/or transfer permits approved, five (5) permits approved for catering, one (1) permit approved for first year escrow, four (4) permits approved for second year escrow and one (1) permit approved for fourth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Guthrie moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL45-22400 SPEEDWAY SUPERAMERICA, LLC – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL45-22399 SPEEDWAY SUPERAMERICA, LLC – Chairman Heath noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR45-22356 EXECUTIVE MANAGEMENT & ENTERTAINMENT SERVICES, LLC, d/b/a CLUB 165 BAR & GRILL – Chairman Heath noted this is a new type 112 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR45-04454 HOOSIER GIRLS, INC., d/b/a WELCOME INN – Chairman Heath noted this is a type 210 transfer of ownership application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL87-22499 C. E. TAYLOR OIL, INC., d/b/a ELBERFELD SHELL FOODMART #15 – Chairman Heath noted this is a new type 104 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR43-91098 WHETTEN RESTAURANT CORPORATION, d/b/a BUD'S BAR – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL20-22502 MARTIN & BAYLEY, INC., d/b/a HUCK'S FOOD & FUEL –

Chairman Heath - New type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie - Mr. Chairman, I reviewed the voting sheets and the application. It appears that there were no remonstrators at the hearing and, therefore, there was no evidence introduced at the hearing to support this disapproval. In fact, the record...two statements on the record by local board members that once again they don't approve of alcohol and gas at the same location. Therefore, I move that we reverse the local board and approve this application.

Vice Chair Johnson - Second.

Chairman Heath - All in favor.

Commission - Aye.

RR18-01112 JERSEY'S SPORTS BAR & GRILL & DAIQUIRI BAR – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

## **INACTIVE FILES**

Commissioner Guthrie moved to make four (4) permits inactive. Two (2) permits are not subject to auction and two (2) permits are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

## **OLD BUSINESS**

No Old Business

## **NEW BUSINESS**

No New Business

## **POLICY DETERMINATIONS**

No Policy Determinations

## **UNDER ADVISEMENT**

Nothing Under Adviseement

## **ANNOUNCEMENTS**

No Announcements

## **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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DAVE HEATH, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER